

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DEREK DEMEO,

Plaintiff,

1:07-CV-1275

v.

JOSHUA KEAN; M.K. REYNER; DORIAN TUCKER;
PHLIP 'N SPILL, INC., Individually and doing business
as The Bayou Café,

Defendants.

APPEARANCES:

OF COUNSEL:

LUIBRAND LAW FIRM, PLLC
Attorneys for Plaintiff
950 New Loudon Road
Latham, NY 12110

KEVIN A. LUIBRAND, ESQ.

HON. ERIC T. SCHNEIDERMAN
Attorney General of the
State of New York
Attorney for Defendants Kean and Reyner
Department of Law
The Capitol
Albany, NY 12224

CHARLES J. QUACKENBUSH, ESQ.
Asst. Attorney General

LEMERY, GREISLER LAW FIRM, LLC
Attorneys for Defendants Tucker and
Philip 'N Spill, Inc.
50 Beaver Street, 2d Floor
Albany, NY 12207

GRETCHEN M. GREISLER, ESQ.

DAVID N. HURD
United States District Judge

ORDER

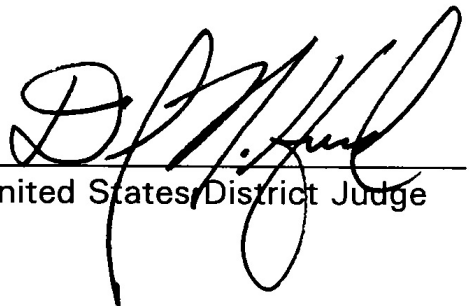
On December 12, 2011, defendant Philip 'N Spill, Inc. ("Philip 'N Spill") filed a notice of appeal with respect to the final judgment and the November 15, 2011,

Memorandum–Decision and Order ("Order") denying its post-trial motions. On December 22, 2011, plaintiff Derek DeMeo filed a notice of cross-appeal with respect to the Order. Thereafter, Philip 'N Spill requested an official transcript of the trial testimony of Ralph Spillenger on September 13, 2011, as well as the oral ruling regarding the parties' objections to the final jury instructions on September 20, 2011. Plaintiff now seeks an order directing Philip 'N Spill to order, and pay for, an official transcript of the entire six-day trial. Philip 'N Spill opposes this motion.

Plaintiff's motion must be filed with the Second Circuit pursuant to Federal Rule of Appellate Procedure 27. Therefore, it is ORDERED that plaintiff's motion (Dkt. No. 188) is DENIED without prejudice.

IT IS SO ORDERED.

Dated: March 5, 2012
Utica, New York.


United States District Judge